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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,659	07/05/2001	Jose Guterman	INTL-0595-US (P11736)	2671

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Timothy N. Trop  
TROP, PRUNER & HU, P.C.  
8554 KATY FWY, STE 100  
HOUSTON, TX 77024-1805

EXAMINER
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NAJJAR, SALEH

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 02/27/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/899,659

Applicant(s)

GUTERMAN

Examiner

Saleh Najjar

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other: \_\_\_\_\_

1. This action is responsive to the application filed on July 5, 2001. Claims 1-29 are presented for examination. Claims 1-29 represent method, program and system for uploading personal agents to personalize network services.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 7-14, 16-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Creamer et al., U.S. Patent No. 6,411,697.

Creamer teaches the invention as claimed including a telephone system allowing subscribers to perform service provisioning using java applets (see abstract).

As to claim 1, Creamer teaches a method comprising:

obtaining personal agent software; and uploading said personal agent software for execution by a telephone network (see figs.1-10; col. 6-7, Creamer discloses that java applets are uploaded to a telephone network for execution).

As to claim 2, Creamer teaches the method of claim 1 above including creating the personal agent software on a subscriber unit that communicates with the telephone network (see col. 6-7, Creamer discloses that the user customizes the scripts and uploads them to the telephone network).

As to claim 3, Creamer teaches the method of claim 1 above including creating personal agent software on a device other than a telephone coupled to said telephone network (see col. 6-7).

As to claim 4, Creamer teaches the method of claim 1 above, including uploading personal agent software over said network (see col. 6-7).

As to claim 5, Creamer teaches the method of claim 1 above including uploading said personal agent software over a network other than said telephone network (see col. 6-7).

As to claim 7, Creamer teaches the method of claim 1 above, including creating the personal agent software on a device and uploading said software to the network (see col. 6-7).

As to claim 8, Creamer teaches the method of claim 1 above including transferring software over a computer network and uploading said software to said telephone network (see figs. 1-10; co. 6-8).

Claims 9-14, and 16-29 do not teach or define any new limitations above claims 1-5, 7-8 and therefore are rejected for similar reasons.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 6, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Creamer further in view of Houde, U.S. Patent No. 5,905,958.

Creamer teaches the invention substantially as claimed including a telephone system allowing subscribers to perform service provisioning using java applets (see abstract).

As to claim 6, Creamer teaches the method of claim 1 above including uploading said software to said telephone network.

Creamer does not explicitly teach the claimed limitation of providing said software to said telephone network over a wireless link.

However, Houde teaches service provisioning in an intelligent mobile station using service script logic that is uploaded to the IMS (see abstract). Houde teaches providing said software to said telephone network over a wireless link (see 5-8, Houde discloses that scripts are provided over a wireless network to an IMS for provisioning client telephone services).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Creamer in view of Houde so that script programs are provided over a wireless network. One would be motivated to do so to implement service provisioning in a wireless network.

Claims 15 does not teach or define any new limitations above claim 6 and therefore is rejected for similar reasons.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ario Etienne*, can be reached on (703) 308-7562. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The fax number for the After-Final correspondence/amendment is (703) 746-7238. The fax number for official correspondence/amendment is (703) 746-7239. The fax number for Non-official draft correspondence/amendment is (703) 746-7240.

A handwritten signature in black ink, appearing to read 'Saleh Najjar', with a stylized flourish at the end.

Saleh Najjar

Primary Examiner / Art Unit 2157